



NEWS

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SUMMARY OF CASES ACCEPTED DURING THE WEEK OF JANUARY 14, 2002

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#02-05 Edelstein v. Fado, S102530. (A093007; 93 Cal.App.4th 460.) Petition for review after the Court of Appeal reversed a judgment on the pleadings in a civil action. This case concerns (1) whether section 13.102 of the Charter of the City and County of San Francisco precludes write-in candidates in runoff elections for municipal offices; and (2) if so, whether such a prohibition violates the free speech provisions of article I, section 2, subdivision (a), of the state Constitution.

#02-06 Farmers Ins. Exchange v. Low, S103243. (F035196, F035198; 93 Cal.App.4th 667.) Review on the court's own motion after the Court of Appeal reversed orders denying preliminary injunctions.

#02-07 State Farm Mutual Automobile Ins. Co. v. Low, S102251. (A093193; 92 Cal.App.4th 1169.) Petition for review after the Court of Appeal affirmed the summary judgment in a civil action.

Farmers Insurance and State Farm both concern whether information submitted by insurance companies to the Insurance Commissioner under a regulation requiring such insurers to file a "Community Service Statement" disclosing insurance sales and cancellations by zip code (Cal. Code Reg., tit. 10, § 2646.6) is subject to public

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disclosure (Ins. Code, § 1861.07), or whether such information is exempt from public disclosure pursuant to an exemption in the Public Records Act relating to privileged trade secrets. (Gov. Code, § 6254, subd. (k); see Evid. Code, § 1060.) The court ordered briefing deferred in Farmers Insurance pending decision in State Farm.

#02-08 Gardner v. County of Sonoma, S102249. (A093139; 92 Cal.App.4th 1055.) Petition for review after the Court of Appeal affirmed the judgment in a proceeding for a writ of mandate. This case concerns whether a subdivision map filed with a county recorder's office prior to the enactment of the state's first subdivision map act in 1893 creates legally subdivided parcels of land that may now be separately sold and developed without compliance with the current requirements of the Subdivision Map Act (Gov. Code, § 66410 et seq.).

#02-09 In re Marquez, S102729. (H022214; unpublished opinion.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case concerns the allocation of presentence credits between overlapping criminal cases.

#02-10 People v. Ferguson, S102150. (C036911; 92 Cal.App.4th 1201.) Petition for review after the Court of Appeal affirmed a judgment of conviction of a criminal offense. The court ordered briefing deferred pending decision in People v. Willis, S079245 (#99-125), which includes the issue of whether the good faith exception set forth in United States v. Leon (1984) 468 U.S. 897 prevents exclusion of evidence obtained during a parole search based on erroneous information supplied to police that appellant was on parole.

DISPOSITION

#00-79 People v. Moss, S087478, was dismissed and remanded to the Court of Appeal.

STATUS

#01-161 People v. Superior Court (Ghilotti), S102527. The court granted a request for extended media coverage of the oral argument in this matter, which is scheduled for February 6, 2002.